



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,540	03/19/2001	Richter A. Rafey	080398.P604	2564

7590 07/05/2006

Sheryl Sue Holloway
 Blakely, Sokoloff, Taylor, & Zafman LLP
 Seventh Floor
 12400 Wilshire Boulevard
 Los Angeles, CA 90025

EXAMINER

SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,540

Applicant(s)

RAFEY ET AL.

Examiner

James Sheleheda

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10 and 12-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10 and 12-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/17/05, 3/21/06.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-10 and 12-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobbley et al. (Cobbley) (5,614,940) (of record) in view of "Lost Remote, The TV Revolution is Coming, Lost Remote TV New Media & Television Convergence News, TV News Gets (too?) Personal, by Cory Bergman, 9/25/00, <http://www.lostremote.com/producer/personal.html>" (Lost Remote) (provided by applicant).

As to claim 1, Cobbley discloses a method of outputting a television program to a viewer, comprising:

receiving detail video segments, wherein the detail video segments include additional information associated with a particular subject (column 3, line 60-column 4, line 4);

storing in memory the video segments (column 6, lines 28-29 and column 10, lines 7-21);

generating an output script that is associated with the video segments (column 11, lines 35-37 and column 12, lines 52-53); and

accessing and outputting the segments in accordance with the script in response to a user command (jumping to different stories; column 11, lines 42-51 and column 3, line 60-column 4, line 7).

While Cobbley discloses receiving and outputting video segments about particular subjects (individual news stories), he fails to specifically disclose receiving and outputting a highlight segment which is a summary of a detail video segment, receiving, during output of the highlight video segment, a command to output additional information associated with the particular subject and outputting the detail video segment in response to the command.

In an analogous art, Lost Remote a television distribution system wherein a highlight video is received and displayed to the viewer (top 10 stories; page 1, line 40-page 2, line 5), and wherein the user will input a command requesting additional information about a particular subject during the highlight video (user stopping the highlight and indicating that more info on the subject is desired; page 2, lines 2-5) to initiate the output of detailed segments about the particular selected subject (longer more expansive pieces about the particular topic; page 2, lines 2-5) for the typical benefit of providing a user to easily identify and receive additional information concerning subjects they are interested in (pages 1-2).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Cobbley's system to include receiving and outputting a highlight segment which is a summary of a detail video segment, receiving, during output of the highlight video segment, a command to output additional information

Art Unit: 2623

associated with the particular subject and outputting the detail video segment in response to the command, as taught by Lost Remote, for the typical benefit of providing a user to easily identify and receive additional information concerning subjects they are interested in.

As to claim 2, Cobbley and Lost Remote disclose displaying to the viewer a menu that alerts the viewer that the additional information is available (see Cobbley at column 11, lines 52-67 and Lost Remote at page 2, lines 2-5).

As to claim 3, Cobbley and Lost Remote disclose wherein the script sequences the highlight video segment for output prior to the detail video segment (see Lost Remote at page 1, line 40-page 2, line 5).

As to claim 4, Cobbley and Lost Remote disclose receiving, during the output of the detail video segment, a second command to skip to a subsequent video segment associated with the output script (see Cobbley at column 11, lines 42-51); and

accessing and outputting the subsequent video segment in response to the second command (see Cobbley at column 11, lines 42-51).

As to claim 6, while Cobbley and Lost Remote disclose outputting a television program, they fail to specifically disclose receiving a payment for outputting the television program.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize charge viewers to receive and display television programming, such as with typical pay-per view and VOD systems, for the typical benefit of allowing broadcasters a means to receive payment and profit from their video broadcasting system.

It would have been notoriously well known in the art at the time of invention by applicant to modify Cobbley and Lost Remote to include receiving a payment for outputting the television program for the typical benefit of allowing broadcasters a means to receive payment and profit from their video broadcasting system.

As to claim 7, Cobbley discloses a method of presenting a television program to a viewer, comprising:

storing in memory a viewer preference, wherein the viewer preference identifies a subject of particular interest to the viewer (personal profile indicated preferred content; column 11, line 55-column 12, line 2);

receiving and storing in memory detail video segments (column 3, line 60-column 4, line 4, column 6, lines 28-29 and column 10, lines 7-21) and a plurality of metadata tags (indexing information; column 4, lines 1-7 and 46-56), wherein each unique one of the video segments is associated with a unique one of the metadata tags (column 4,

Art Unit: 2623

lines 1-7 and 46-56), wherein each metadata tag includes at least one attribute that identifies a subject of the associated video segment (column 4, lines 1-7 and 46-56), wherein the detail video segments are associated with particular subjects (column 3, line 60-column 4, line 4);

identifying the metadata tags that include attributes associated with the preference (column 11, line 66-column 12 line 2);

using the identified metadata tags to generate an output program script (column 11, line 66-column 12 line 2);

accessing and outputting the segments in accordance with the output program script (column 11, lines 42-51 and column 3, line 60-column 4, line 7); and

displaying the accessed detailed video segments (column 11, line 66-column 12 line 2). While Cobbley discloses receiving and outputting video segments about particular subjects (individual news stories), he fails to specifically disclose receiving and outputting a highlight segment which is a summary of a detail video segment.

In an analogous art, Lost Remote a television distribution system wherein a highlight video is received and displayed to the viewer (top 10 stories; page 1, line 40-page 2, line 5), and wherein the user will input a command requesting additional information about a particular subject during the highlight video (user stopping the highlight and indicating that more info on the subject is desired; page 2, lines 2-5) to initiate the output of detailed segments about the particular selected subject (longer more expansive pieces about the particular topic; page 2, lines 2-5) for the typical

Art Unit: 2623

benefit of providing a user to easily identify and receive additional information concerning subjects they are interested in (pages 1-2).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Cobbley's system to include receiving and outputting a highlight segment which is a summary of a detail video segment, as taught by Lost Remote, for the typical benefit of providing a user to easily identify and receive additional information concerning subjects they are interested in.

As to claim 8, Cobbley and Lost Remote disclose wherein the attribute is title (see Cobbley at column 4, line 5).

As to claim 9, Cobbley and Lost Remote disclose wherein the received highlight and detail video segments are part of at least one television program (see Cobbley at column 3, lines 60-67).

As to claim 10, Cobbley and Lost remote disclose wherein the received and stored highlight and detail video segments are accumulated over a span of time (wherein the downloaded content is inherently received over some span of time, as the download is not instantaneous; see Cobbley at column 6, lines 28-54).

As to claim 12, Cobbley and Lost remote disclose wherein receiving and storing the plurality of highlight and detail video segments and the plurality of metadata tags occurs in a secondary memory device (see Cobbley at column 7, lines 19-40).

As to claim 13, Cobbley discloses a method of presenting a television program to a viewer, comprising:

receiving at least a portion of a television program that includes a plurality of video segments (column 3, line 60-column 4, line 4, column 6, lines 28-29 and column 10, lines 7-21);

storing the select number of video segments (column 3, line 60-column 4, line 4, column 6, lines 28-29 and column 10, lines 7-21);

receiving metadata tags (indexing information; column 4, lines 1-7 and 46-56), wherein each unique one of the selected number of video segments is associated with a unique one of the metadata tags (column 4, lines 1-7 and 46-56), wherein each metadata tag includes at least one attribute that identifies a subject of the associated video segment (column 4, lines 1-7 and 46-56);

storing data associated with the metadata tags (column 4, lines 46-56);

using the stored data to generate an output program script for outputting the selected number of video segments to the viewer (column 11, line 66-column 12 line 2);

accessing the selected number of video segments in accordance with the output program script (column 11, lines 42-51 and column 3, line 60-column 4, line 7); and

outputting the accessed video segments to the viewer (column 11, line 66- column 12 line 2). While Cobbley discloses receiving and outputting video segments about particular subjects (individual news stories), he fails to specifically disclose receiving and outputting highlight segments associated with the video segments, wherein each unique highlight is a summary of the associated video segment.

In an analogous art, Lost Remote a television distribution system wherein a highlight video is received and displayed to the viewer (top 10 stories; page 1, line 40- page 2, line 5), and wherein the user will input a command requesting additional information about a particular subject during the highlight video (user stopping the highlight and indicating that more info on the subject is desired; page 2, lines 2-5) to initiate the output of detailed segments about the particular selected subject (longer more expansive pieces about the particular topic; page 2, lines 2-5) for the typical benefit of providing a user to easily identify and receive additional information concerning subjects they are interested in (pages 1-2).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Cobbley's system to include receiving and outputting highlight segments associated with the video segments, wherein each unique highlight is a summary of the associated video segment, as taught by Lost Remote, for the typical benefit of providing a user to easily identify and receive additional information concerning subjects they are interested in.

As to claim 14, Cobbley and Lost Remote disclose wherein the metadata tags are received during reception of the program (see Cobbley at column 3, lines 62-65).

Regarding claim 15, the claimed "method of claim 13, wherein the metadata tags are received after reception of the program" is met by the fact that the segments include indexing information, transmitted by the broadcast source concurrently with the segments of video [col. 3, lines 62-65]. The fact that the metadata information is downloaded after reception of the television program segments is not a patentable distinction over accomplishing the same task during the broadcast.

Regarding claim 16, the claimed "method of claim 13, wherein the metadata tags are received before reception of the program" is met by the fact that the segments include indexing information, transmitted by the broadcast source concurrently with the segments of video [col. 3, lines 62-65]. The fact that the metadata information is downloaded before reception of the television program segments is not a patentable distinction over accomplishing the same task during the broadcast.

As to claim 17, Cobbley and True Remote disclose receiving a command from the viewer to output highlights of the television program, and the accessing and outputting of the selected number of video segments occurs in response to the received command (wherein the user actively selects for the personal newscast to be displayed; (see Cobbley at column 11, line 6-column 12, line 56).

As to claim 18, Cobbley and True Remote disclose wherein the command is received during broadcast of the program, and the selected number of video segments that are output are associated with only a portion of the program already broadcast (see Cobbley at column 8, lines 40-59).

As to claim 19, Cobbley discloses a method of storing video information, comprising:

storing in a first memory a viewer preference, wherein the preference identifies a subject of particular interest to a viewer (personal profile indicated preferred content; column 11, line 55-column 12, line 2);

receiving a content segment of a program that includes a plurality of segments (column 3, line 60-column 4, line 4, column 6, lines 28-29 and column 10, lines 7-21);

receiving a metadata tag associated with the content segment (indexing information; column 4, lines 1-7 and 46-56), wherein the metadata tag includes a subject attribute that identifies a subject of the associated video segment (column 4, lines 1-7 and 46-56);

comparing the subject attribute and the preference (column 11, lines 63-column 12, line 8); and

storing in a second memory the content subject if the subject attribute is associated with the preference((column 3, line 60-column 4, line 4, column 6, lines 28-29, column 10, lines 7-21 and column 11, lines 63-column 12, line 8).

While Cobbley discloses receiving and outputting video segments about particular subjects (individual news stories) based on segment attributes, he fails to specifically disclose highlight segments associated with the video segments, wherein each unique highlight is a summary of the associated video segment.

In an analogous art, Lost Remote a television distribution system wherein a highlight video is received and displayed to the viewer (top 10 stories; page 1, line 40- page 2, line 5), and wherein the user will input a command requesting additional information about a particular subject during the highlight video (user stopping the highlight and indicating that more info on the subject is desired; page 2, lines 2-5) to initiate the output of detailed segments about the particular selected subject (longer more expansive pieces about the particular topic; page 2, lines 2-5) for the typical benefit of providing a user to easily identify and receive additional information concerning subjects they are interested in (pages 1-2).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Cobbley's system to include highlight segments associated with the video segments, wherein each unique highlight is a summary of the associated video segment, as taught by Lost Remote, for the typical benefit of providing a user to easily identify and receive additional information concerning subjects they are interested in.

As to claim 20, Cobbley discloses a video output system, comprising:
a receiving unit (Fig. 1; broadcast receiver 110);

a content manager coupled to the receiving unit (capture device 115 and cache manager 125; column 8, lines 40-59);

a video cache memory (cache 128 and 130) coupled to the content manager (see Fig. 1), wherein the video cache memory includes a content memory portion and a metadata memory portion (column 7, lines 20-47), wherein the content memory portion stores a content segment of a program that includes a plurality of segments (column 7, lines 20-47 and column 8, lines 30-59), wherein the metadata memory portion stores a metadata tag that comprises segment attributes (column 4, lines 1-7 and 46-56);

a show flow engine coupled to the video cache memory (cache manager 125, which serves to organize the appropriate segments according to the newscast profile 240; column 7, line 20-column 9, line 63); and

a rendering engine coupled to the show flow engine (signal generating device, 510).

While Cobbley discloses receiving and outputting video segments about particular subjects (individual news stories) based on segment attributes, he fails to specifically disclose highlight segments associated with the content segments, wherein each unique highlight is a summary of the content segment.

In an analogous art, Lost Remote a television distribution system wherein a highlight video is received and displayed to the viewer (top 10 stories; page 1, line 40-page 2, line 5), and wherein the user will input a command requesting additional information about a particular subject during the highlight video (user stopping the highlight and indicating that more info on the subject is desired; page 2, lines 2-5) to

Art Unit: 2623

initiate the output of detailed segments about the particular selected subject (longer more expansive pieces about the particular topic; page 2, lines 2-5) for the typical benefit of providing a user to easily identify and receive additional information concerning subjects they are interested in (pages 1-2).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Cobbley's system to include highlight segments associated with the content segments, wherein each unique highlight is a summary of the content segment, as taught by Lost Remote, for the typical benefit of providing a user to easily identify and receive additional information concerning subjects they are interested in.

As to claim 21, Cobbley and Lost Remote disclose a sensor/decoder unit coupled to the rendering unit (input device, 508), wherein the sensor/decoder unit receives coded signals from a transmitter activated by a viewer (see Cobbley at column 15, lines 1-11).

As to claim 22, Cobbley and Lost Remote disclose a viewer preference memory coupled to the content manager and to the show flow engine (storing a user profile of segment preferences; see Cobbley at column 11, line 55-column 12, line 2).

Art Unit: 2623

As to claim 23, Cobbley and Lost Remote disclose a gateway to a communications system coupled to the content manager (network connecting device, 512; see Cobbley at column 14, lines 54-55).

As to claim 24, Cobbley and Lost Remote disclose wherein the communications system is a network (see Cobbley at column 14, lines 54-55), they fail to specifically disclose the Internet.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize the Internet for network communications, as the Internet comprises a global computer network easily allowing communications and transmissions across the world, for the typical benefit of utilizing a well-known, global communications system.

It would have been notoriously well known in the art at the time of invention by applicant to modify Cobbley and Lost Remote to include the Internet for the typical benefit of utilizing a well-known, global communications system.

As to claim 25, Cobbley and Lost Remote disclose wherein the receiving unit and the cache memory are parts of an audio-video tuner/disk combination (column 10, lines 7-21).

As to claim 26, Cobbley and Lost Remote disclose wherein the show flow engine generates a program script output used by the rendering engine (see Cobbley at column 11, lines 35-37 and column 12, lines 52-53).

Response to Arguments

3. Applicant's arguments with respect to claims 1-4, 6-10 and 12-26 have been considered but are moot in view of the new ground(s) of rejection.

4. The previously presented Official Notice indicating that it was notorious well known in the art to receiving a payment for outputting a television program was not traversed and is accordingly taken as an admission of the fact noted.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2623

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. () _____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

James Sheleheda
Patent Examiner
Art Unit 2623


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600